

1 TUCKER ELLIS LLP
2 Daniel J. Kelly - SBN 145088
3 daniel.kelly@tuckerellis.com
4 201 Mission Street, Suite 2310
5 San Francisco, CA 94105
6 Telephone: 415.617.2400
7 Facsimile: 415.617.2409

8
9
10 Attorneys for Judgment Lienholder
11 BELLAIRE TOWER HOMEOWNERS ASSOCIATION
12
13
14
15
16
17
18

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**
21 **EASTERN DIVISION - RIVERSIDE**

22 WB MUSIC CORP. et al.,

23) Case No. 5:16-cv-00600-JGB-SP

24 Plaintiff,

25) **SUPPLEMENTAL DECLARATION**
26) **OF DANIEL J. KELLY RE**
27) **BELLAIRE OWNERSHIP OF**
28) **ANTENNA STRUCTURE**

29 v.

30 ROYCE INTERNATIONAL
31 BROADCASTING CORPORATION, et
32 al.

33 Defendants.

34
35 I, Daniel J. Kelly, hereby declare as follows:

36 1. I am an attorney at law licensed to practice before all of the courts of the
37 State of California and this Court. I am partner in the law firm of Tucker Ellis LLP,
38 attorneys for Judgment Lienholder/interested party Bellaire Tower Homeowners
39 Association ("Bellaire"). I make this supplemental declaration in support of the
40 Receiver's Report Re: Stolz Perjury and Contempt [Document 400] and in reply to
41 Defendants' Response to Receiver's Report Re: Stolz Perjury and Contempt [Document
42 404] that includes Edward Stolz's ("Stolz") "up to date responses" and republishes Mr.
43 Stolz's prior response to the Court's request for information Item 10 with respect to the
44 Bellaire judgment, without change.

1 2. Mr. Stoltz has failed to correct his prior false statements under oath with
2 respect to the Bellaire judgment and apparently still falsely asserts that defendant Golden
3 State Broadcasting LLC (“Golden State”) has an ownership or other interest in the
4 rooftop antenna tower located on the top of the Bellaire Tower located at 1101 Green
5 Street, San Francisco, California.

6 3. Archive information available on FCCInfo.com, a service of Cavell, Mertz
7 & Associates, Inc., reflects that the Building with Mast [BMAST] antenna structure
8 [Structure Registration Number 1024038] was built on February 1, 1962 and that KREV
9 (FM)’s Construction Permit application for this location was granted on January 21,
10 2011. A true and correct copy of the FCCInfo Results is attached as Exhibit A and
11 incorporated by reference.

12 4. On June 23, 2014, the FCC issued an Antenna Structure Registration [ASR]
13 for BMAST Antenna Structure Number 1024038 reflecting that Bellaire was the owner.
14 A true and correct copy of the ASR is attached as Exhibit B and incorporated by
15 reference.

16 5. FCC records reflect that it sent its written Notice of Antenna Structure
17 Registration Change of Ownership to Mr. Stoltz on or about June 24, 2014. A true and
18 correct copy of the FCC notice is attached as Exhibit C and incorporated by reference.

19 6. I have represented Bellaire with respect to its litigation against Golden State
20 since October 9, 2012. I am not aware of any response by Mr. Stoltz or Golden State to
21 the ASR ownership registration change or any claim or threatened litigation by Mr. Stoltz
22 or Golden State in the more than six (6) years since judgment was entered in favor of
23 Bellaire and against by Golden State.

24 I declare under penalty of perjury under the laws of the State of California and the
25 United States of America that the forgoing is true and correct.

26 Executed on March 8, 2021 at Mill Valley, California.

27 

28 Daniel J. Kelly

CERTIFICATE OF SERVICE

This Certificate of Service is made in compliance with Local Rule 5.1.2 and Civ.R. 5(b). I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 201 Mission Street, Suite 2310, San Francisco, CA 94105.

I hereby certify that on March 8, 2021, I electronically filed the document(s) entitled **SUPPLEMENTAL DECLARATION OF DANIEL J. KELLY RE BELLAIRE OWNERSHIP OF ANTENNA STRUCTURE** with Court and served said document(s) in the following manner:

(X) By Court Via Notice of Electronic Filing (NEF): The document(s) was served by the court via NEF and hyperlink to the document.

I declare under penalty of perjury that I am a member admitted to practice before the District Court for the Central District of California and ECF registered in this Court and that the foregoing is true and correct.

Executed on March 8, 2021 at Mill Valley, California.

By /s/ Daniel J. Kelly
Daniel J. Kelly

 Cavell, Mertz & Associates, Inc.[FCCInfo on Google Earth](#)

FCCInfo.com

A Service of Cavell, Mertz & Associates,
Inc.
(855) FCC-INFO

[FAQ](#)[Privacy Statement](#)[Disclaimer](#)[About Cavell, Mertz & Associates, Inc.](#)[New Search](#)[Search Results](#)

KREV(FM)

[Call Sign History](#)
 KREV from 09/11/2009
 KNGY from 10/13/2004
 KBTB from 05/26/2004
 KPTI from 05/15/2002
 KXJO from 02/15/1999
 KZSF-FM from 01/20/1998
 KZSF from 03/20/1995
 KJAZ-FM from 12/09/1994
 KJAZ from ???

92.7 MHz

Alameda, CA

[Map It](#)

License
CP
Application
Allocation

KREV Channel: 224A 92.7 MHz
[Alameda, California](#)
 Service: FS - A full service FM station auxiliary transmitting antenna or application.
 Facility ID: [36029](#)
 Fac. Service: FM
 KREV License Expires: 12/01/2013

Status: Construction Permit
 Application Accepted: 01/18/2011
 Application Granted: 01/21/2011
 File Number: BXPH-20101216ABO
 CP Expires: 01/21/2014
 KREV License Expires: 12/01/2013
 Prefix Type: This is BXPH
 Application Type: Auxiliary Permit
 FCC Web Links:

[This Application](#)
[Other KREV Applications](#)
[Including Superseded Applications](#)

BIA Web Link: [Market Information](#)
 Facility Type: FM STATION
 Class: A, A Zone I; I-A; or II station; with 0.1kW-6kW ERP and a class contour distance <=28km

Site Location: 37-47-54.0 N 122-24-59.0 W (**NAD 27**)
 Site Location: 37-47-53.7 N 122-25-02.9 W (Converted to **NAD 83**)
 Effective Radiated Power: 0.18 kW
 Antenna Center HAAT: 122.1 m
 Antenna Center AMSL: 146.1 m
 Antenna Center HAG: 61.4 m

Calculated Site Elevation: 84.7 m. Height Overall*: 72.8 m.
 (* As Filed In This Application, may differ from ASR Data, Below.)

EXHIBIT A

	<p>Omni-Directional Antenna Antenna Make/Model: None Antenna ID: 0 Polarization:</p>	
<p>Structure Information</p> <p>Structure Registration Number 1024038</p> <p>Structure Type: Structure Type: BMAST Registered To: Golden State Broadcasting, LLC</p> <p>Structure Address: 1101 Green St At Leavenworth San Francisco, CA</p> <p>ASR Issued: 09/14/2010 Date Built: 02/01/1962 Site Elevation: 84.7m. Structure Height: 62m. Height Overall: 72.8m. Overall Height AMSL: 157.5m. FAA Determination: 05/28/1997 Paint & Light FAA Chapters: NONE 37-47-54.0 N 122-25-03.0 W (NAD 83) 37-47-54.3 N 122-24-59.1 W (Converted to NAD 27)</p>	<p>KREV(FM) Licensee Information</p> <p>GOLDEN STATE BROADCASTING LLC 73733 Fred Waring Drive Suite 201 Palm Desert, CA 92260 Phone: 760-883-5850 Licensee</p>	<p>BXPH-20101216ABO Applicant Information</p> <p>(As of 2011, date of this Application)</p> <p>EDWARD R. STOLZ, II Title: President Date: 12/16/2010 Application Certifier</p> <p>ROY P. STYPE, III P. O. Box 807 2324 North Cleveland-massillon Road Bath, OH 44210-0807 Phone: 330-659-4440 Title: Consulting Engineer Date: 12/16/2010 Certifying Engineer</p> <p>BRUCE A. OLCOTT Squire, Sanders & Dempsey L.l.p. 1201 Pennsylvania Avenue N.w. Washington, DC 20004 Phone: 202-626-6615 E-Mail: bolcott@ssd.com Contact Representative</p> <p>GOLDEN STATE BROADCASTING LLC 73733 Fred Waring Drive, Suite 201 Palm Desert, CA 92260 Phone: 916-367-8021 E-Mail: edward@krck.com Applicant</p>
<p>Associated Land Mobile Licenses</p> <p>(No Records Found)</p>	<p>Associated Microwave Licenses</p> <p>(No Records Found)</p>	

Study Date: 10/30/2013; Study Duration: 0.0035 Seconds.
Database Sources: 10/30/2013 FCC CDBS,
10/29/2013 FCC ASR,
10/29/2013 FCC ULS Microwave, and
10/29/2013 FCC ULS Broadcast Land Mobile.



**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
ANTENNA STRUCTURE REGISTRATION**



OWNER: Bellaire Tower Homeowners Association

FCC Registration Number (FRN): 0023744410

ATTN: Niels L. Pearson Bellaire Tower Homeowners Association 1101 Green St. Apt. 1304 San Francisco, CA 94109	Antenna Structure Registration Number
	1024038
Location of Antenna Structure 1101 GREEN ST AT LEAVENWORTH SAN FRANCISCO, CA 94109 County: SAN FRANCISCO	Ground Elevation (AMSL)
	84.7 meters
Latitude 37- 47- 54.0 N	Longitude
	122- 25- 03.0 W
Center of Array Coordinates N/A	Overall Height Above Mean Sea Level (AMSL)
	157.5 meters
Type of Structure BMAST Building with Mast	Overall Height Above Ground (AGL)
	72.8 meters
Painting and Lighting Requirements: FAA Chapters NONE	
Conditions:	

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to <http://wireless.fcc.gov/antenna>. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and display your Registration Number at the site. See reverse for important information about the Commission's Antenna Structure Registration rules.

You must comply with all applicable FCC obstruction marking and lighting requirements, as set forth in Part 17 of the Commission's Rules (47 C.F.R. Part 17). These rules include, but are not limited to:

Posting the Registration Number: The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure. Exceptions exist for certain historic structures. See 47 C.F.R. 17.4(g)-(h).

Inspecting lights and equipment: The obstruction lighting must be observed at least every 24 hours in order to detect any outages or malfunctions. Lighting equipment, indicators, and associated devices must be inspected at least once every three months.

Reporting outages and malfunctions: When any top steady-burning light or a flashing light (in any position) burns out or malfunctions, the outage must be reported to the nearest FAA Flight Service Station, unless corrected within 30 minutes. The FAA must again be notified when the light is restored. The owner must also maintain a log of these outages and malfunctions.

Maintaining assigned painting: The antenna structure must be repainted as often as necessary to maintain good visibility.

Complying with environmental rules: If you certified that grant of this registration would not have a significant environmental impact, you must nevertheless maintain all pertinent records and be ready to provide documentation supporting this certification and compliance with the rules, in the event that such information is requested by the Commission pursuant to 47 C.F.R. 1.1307(d).

Updating information: The owner must notify the FCC of proposed modifications to this structure; of any change in ownership; or, within 30 days of dismantlement of the structure.

You can find additional information at [\[insert link\]](#) or by calling (877) 480-3201 (TTY 717-338-2824).



NOTICE OF ANTENNA STRUCTURE REGISTRATION CHANGE OF OWNERSHIP

ATTN: MR. EDWRAD STOLZ
GOLDEN STATE BROADCASTING, LLC
400 SECOND STREET, THIRD FLOOR
SAN FRANCISCO, CA 94107

Date: 06-24-2014
Reference No.: 0805344

Re: GOLDEN STATE BROADCASTING, LLC

The Commission recently processed an application to change the ownership for the antenna structure listed below. This antenna structure was previously registered under your name, and has been MODIFIED to reflect a change of ownership. Therefore, you are no longer listed as the owner on this antenna structure registration.

Registration No.

1024038

NAD 83 Coordinates

37-47-54.0 N 122-25-03.0 W

Overall Height (AGL)

72.8 meters

Location

1101 GREEN ST AT LEAVENWORTH

City

SAN FRANCISCO

State

CA

If you believe an error has occurred, please notify the Commission immediately in writing. Correspondence should include a copy of this notice and be mailed to the address on the letterhead. Overnight couriers and hand deliveries should be sent to Federal Communications Commission, 1280 Fairfield Road, Gettysburg, PA 17325.

For additional information or assistance, you may visit the website at <http://wireless.fcc.gov/antenna>. You may also call the FCC at (877) 480-3201 (TTY 717-338-2824). To provide quality service and ensure security, all telephone calls are recorded.

EXHIBIT C